

## Church Property as a Bulwark of Religious Liberty

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“Freedom and property are closely linked: separate property from private possession, and Leviathan becomes master of all.”

—Russell Kirk, *The Conservative Mind*

### I. Property in the Christian Tradition

#### A. Theology: Stewardship

- John Calvin: “God’s steward...possesses the goods he has on condition that he must one day render an account.”
- Pope Leo XIII: “The right of private property is derived from nature, not from man, and the State has the right to control its use in the interests of the public good alone, but by no means to absorb it altogether.”

#### B. History: Rise of Church Property

- Peter Brown, *Through the Eye of a Needle*: “The church had become rich, but nobody, least of all the clergy, knew exactly how this wealth should be administered.”

### II. Property Law and the Church in the United States

#### A. Problem: Religion in secular law

#### B. Catholic Church property: canon law and civil law

#### C. Protestant Church property: diversity

### III. Historical Threats

#### A. Government confiscation: England (16<sup>th</sup> c.), France (18<sup>th</sup> c.), Russia (20<sup>th</sup> c.)

#### B. Government control: France (19<sup>th</sup> c.), Germany (20<sup>th</sup> c.)

### IV. Contemporary Threats

#### A. Separation of church and state

- Tax exemption

#### B. Legal liability

- Abuse scandals

#### C. Building restrictions

- Protective designations

#### D. Public health mandates

- Covid

### IV. Strengthening the Bulwark

#### A. Reinvigorating property rights: law and religion

#### B. Constraining government

- Ryan T. Anderson: “The best defense of religious liberty is a defense of liberty more broadly, a return to limited government and the rule of law.”